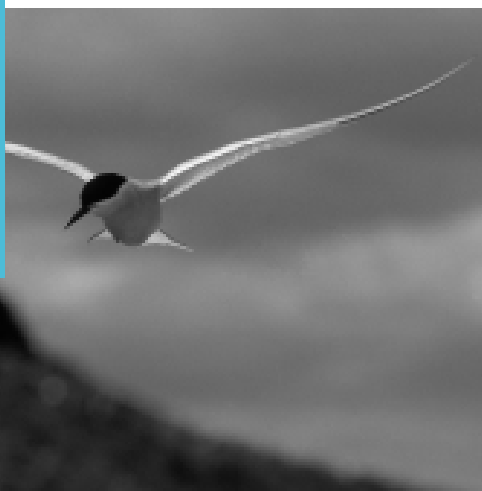


Protecting Our Environment



Urban Environmental Initiative, Other Enforcement Efforts Targeted Waste Dumpers, Water Polluters; Litigation Yielded More than \$25 Million in Natural Resource Damage Compensation

Environmental protection is one of Attorney General Harvey's top law enforcement priorities. It is also a vital quality-of-life issue. The Attorney General's Office used both civil litigation and criminal prosecution in 2003-2004 to combat pollution and preserve important natural resources.

Criminal Enforcement

In 2004, the Environmental Crimes Bureau (ECB) within the Division of Criminal Justice obtained a total of 17 criminal indictments, guilty pleas and/or accusations related to unlawful pollution.

For the two-year period spanning 2003 and 2004, the ECB charged more than 50 individuals and corporations with such criminal offenses as criminal water pollution, unauthorized tire disposal in environmentally sensitive areas, and unlawful abandonment of potentially toxic solid wastes in residential areas, among other offenses. The Bureau also collected more than \$1 million in fines and restitution during the two-year period, and helped develop legislation — signed into law in 2004 — that significantly toughened criminal penalties for illegal dumpers.

Urban Environmental Initiative

Some unscrupulous individuals and corporations dump garbage, toxic wastes and other hazardous materials in New Jersey's cities. This waste is sometimes delivered to the poorest communities.

A major component of the Attorney General's effort to discourage polluters and enhance the quality of life of New Jerseyans remains the Urban Environmental Initiative. The Urban Environmental Initiative was established in 2002 by Attorney General Harvey, who at the time was serving as both First Assistant Attorney General and Director of the Division of Criminal Justice.

In creating the Initiative, Attorney General Harvey reasoned that urban landscapes marred by unlawful waste dumping and polluted, abandoned industrial sites provide a discouraging backdrop for revitalization, and an encouraging one for drugs, vandalism, street gang activity, and other crime.

As 2004 wound to a close, the State wrapped up a number of successful urban pollution investigations spearheaded by the Environmental Crimes Bureau, including Millville, Cumberland County, in which the operator of a now-defunct laundry business was indicted on charges of abandoning drums of hazardous dry cleaning solvents inside the facility. The defendant, W. Scott Sheppard, 36, of Millville, pleaded guilty and, in early 2005, was ordered to pay a \$25,000 criminal penalty to reimburse the New Jersey Department of Environmental Protection, and another \$9,000 to the New Jersey Spill Fund, to cover clean-up costs.

In an unrelated case, Morganville Properties of Edison, Middlesex County, pleaded guilty to unlawfully storing chemicals and other hazardous wastes for a period of at least two years at a truck yard at Raritan Center. During the period at issue, some chemicals leaked out of containers and onto the ground. As a result of its guilty plea, Morganville was required to pay \$50,000 in clean-up costs, a \$10,000 criminal fine, and \$6,700 to the New Jersey Spill Compensation Fund.

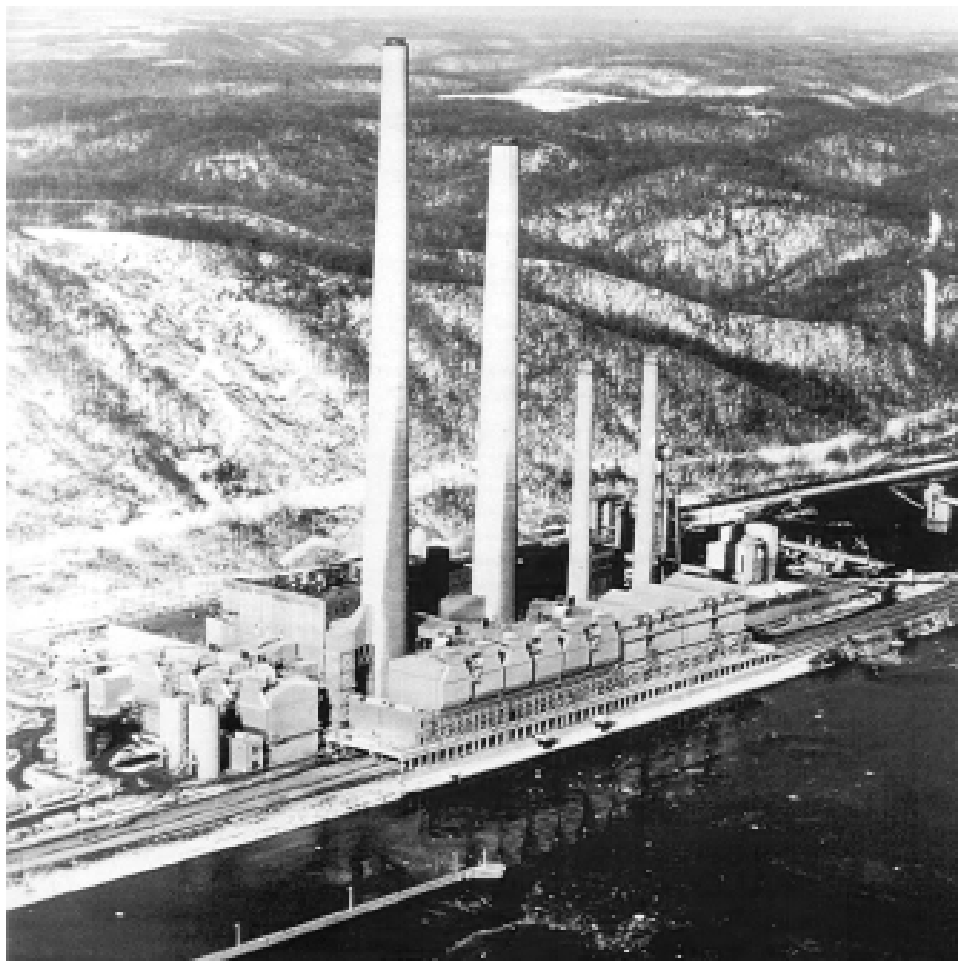
Among the ECB's other significant environmental prosecutions were:

- ❖ **The obtaining of a five-year State Prison sentence against a man who pleaded guilty to unlawfully disposing of solid waste and debris** at a privately-owned lot in the City of Trenton, as well as to charges of contempt for ignoring a Department of Environmental Protection order barring him from handling solid waste.

- ❖ **A six-month jail sentence and \$10,000 in fines against an Upper Saddle River businessman convicted of abandoning caustic photo processing chemicals** and other hazardous waste materials at a storage facility in Bergen County.
- ❖ **The obtaining of a guilty plea in state Superior Court, Essex County, by the president of a firm known as Precise Plating, to charges of negligent violation of the Water Pollution Control Act.** In pleading guilty, the official admitted that on March 4, 2004, the company intentionally discharged wastewater containing cyanide in excess of permit levels directly into the Newark municipal sewer system. The executive and Precise Plating were ordered by the court to pay a \$2,500 fine to the Passaic Valley Sewerage Commission.

On the civil litigation front, the Attorney General's Office has worked with DEP to secure more than \$25 million in Natural Resource Damage compensation from polluters — more than was obtained during the previous 10 years combined. The OAG has devoted considerable legal resources to target lawbreakers in the power industry who are polluting New Jersey's air. Coal-fired power plants in the Midwest and South produce roughly one-third of the air pollution in New Jersey, contributing to an epidemic of asthma.

Working with Attorneys General from other states, Attorney General Harvey challenged the U.S. Environmental Protection Agency six times in 2003 and 2004 over rule changes that put corporate profits ahead of the environment and public health. Through the Division of Law within the Attorney General's Office New Jersey:



As the result of federal litigation brought by the New Jersey Attorney General's Office, this coal-fired power plant owned by Ohio Edison will significantly reduce its air polluting emissions. Located along the Ohio River in Steubenville, Ohio the facility is known as the W.H. Sammis coal-fired plant. For years it has been sending massive amounts of sulfur dioxide and nitrogen oxides northeastward from Ohio via prevailing winds. Under terms of a settlement agreement announced in early 2005, Ohio Edison is to install new pollution controls that will reduce air pollution from the plant by between 70 and 80 percent. In addition, Ohio Edison will pay the State of New Jersey \$2.8 million to fund environmental projects.

- ❖ **Challenged the EPA's failure to set strict standards for six pesticides** widely used on children's food.
- ❖ **Sued the EPA for failing to regulate global warming pollution.**
- ❖ **Gained a major victory when a federal court granted the State's request to block a new EPA rule that would allow the dirtiest power plants to avoid long-standing Clean Air Act requirements** to install pollution controls when making plant upgrades.
- ❖ **Blocked an EPA attempt to lower air conditioner efficiency standards.**
- ❖ **Filed comments opposing the EPA's proposal that dangerous mercury emissions from coal-fired power plants** — which introduce mercury into the food chain and cause neurological damage in young children — be controlled under a trading scheme that would allow many plants to avoid installing pollution controls.
- ❖ **Filed suit challenging a new EPA rule that would make it easier for power plants to avoid installing technology to protect aquatic life from cooling water intakes**, which suck six billion gallons of water each day from New Jersey's bays and rivers, killing millions of fish.